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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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|-----------------|-------------|----------------------|---------------------|------------------|

10/648,473

08/27/2003

Hiroaki Ito

030855

5736

23850

7590

07/17/2006

ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP  
1725 K STREET, NW  
SUITE 1000  
WASHINGTON, DC 20006

EXAMINER

HOOK, JAMES F

ART UNIT

PAPER NUMBER

3754

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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| APPLICATION NO./<br>CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR /<br>PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
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| EXAMINER |
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| ART UNIT | PAPER |
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20060710

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

See attached document.

***Response to Amendment***

The reply filed on April 24, 2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): it was noted in the previous holding of non-responsive amendment that there were no further arguments directed toward the 103 rejection other than an attempt to perfect priority, the examiner held such non-responsive based on the fact that it could not be ascertained based upon the translation provided that the inventive entity was the same due to the lack of any translation of the cover sheets of the Japanese application which would have listed the names of the inventors. Applicant has responded by filing an affidavit to swear that the inventors of the instant application are inventors of the foreign application. This is appreciated, however, the manner in which the affidavit is worded does not include a statement that the named inventors on the instant application are the same inventive entity or that only the inventors named in the instant application are the only inventors named on the foreign application. If the situation were that an additional inventor had been named on the priority Japanese document and not so named in the US application then such would be considered a different inventive entity. Without knowing the actual names on the priority document due to the lack of a translation thereof, the examiner must have confirmation that the joint inventors in the affidavit are swearing they are the only inventors cited on the Japanese priority document and that the inventive entity is therefore the same. Therefore, the affidavit filed with the response of April 24, 2006 is not deemed adequate to prove same inventive entity and that being the only argument

provided against the rejection, is considered non-responsive. See 37 CFR 1.111.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment.

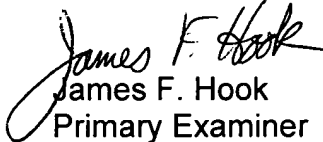
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Hook whose telephone number is (571) 272-4903. The examiner can normally be reached on Monday to Wednesday, work at home Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3754

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
James F. Hook  
Primary Examiner  
Art Unit 3754

JFH